

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAVELLE GILES,

Defendant.

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CASE NO. 8:06CR116

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 211) issued by Magistrate Judge F.A. Gossett recommending denial of the motion to suppress filed by the Defendant, Lavelle Giles (Filing No. 91). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence and statements obtained as a result of the Defendant's April 4, 2006, traffic stop and arrest. Judge Gossett determined: Officer Henderson had an objectively reasonable basis for believing that a traffic offense had occurred and therefore the stop did not violate the Defendant's Fourth Amendment rights; and the Defendant freely, knowingly and voluntarily waived his *Miranda* rights and gave a statement.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 91, 145) and the transcript (Filing No. 179). The Court has also viewed the evidence, including the videotape of the Defendant's interview at police headquarters. (Filing No. 169) Because Judge Gossett fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 211) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 91) is denied.

DATED this 10th day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge